



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
FRANKLIN MARTICH,

Petitioner,

-against-

**JOSEPH T. SMITH, Superintendent
of the Shawangunk Correctional Facility, :**

Respondent.
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SHIRA A. SCHEINDLIN, U.S.D.J.:

ORDER

08 Civ. 6277 (SAS)

The above captioned habeas corpus petition, brought pursuant to 28 U.S.C. § 2254, was filed in this Court on July 11, 2008. After examining the petition, I have concluded that the petition should not be summarily dismissed. Accordingly, it is hereby

ORDERED, that the Clerk of the Court serve copies of the petition, attached papers and memorandum of law, if any, and this order by certified mail upon the Attorney General of the State of New York, and the District Attorney of New York County, and it is further

ORDERED, that the respondent ~~is~~ file an answer to the petition, or other pleading, along with the record on appeal, appellate briefs, and relevant trial and post-conviction records and transcripts, within ninety (90) days of the receipt

of this Order. Respondent is given ninety rather than the usual thirty days in response to the frequent request for an additional sixty days to receive and review the record on appeal. Because the additional time is incorporated into respondent's response time, no extensions will be granted and it is further

ORDERED, that, should the petitioner wish to file a reply to the respondent's answer, such reply shall be filed within fifteen (15) days of the receipt of the answer. All papers must be served upon respondent's counsel.

The Clerk of the Court is directed to forward a copy of this Order to counsel for all parties.

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
August 27, 2008

- APPEARANCES -

For Petitioner:

Susanna De La Pava, Esq.
110 Wall Street, 11th Floor
New York, New York 10005
(212) 709-8315

For Respondent:

Andrew Cuomo
Attorney General for the State of New York
120 Broadway
New York, New York 10271
(212) 416-8000

Robert Morgenthau
District Attorney of New York County
80 Centre Street
New York, New York 10013
(212) 815-0400